

from coccidiosis, blackhead, and cecum worms (*Heterakis gallina*); that it would be efficacious in the treatment of pullets, hens, and turkeys that had gone "backward" or "light" due to chronic coccidiosis, blackhead, or cecum worms; that it would have a destructive action on the parasites causing coccidiosis and blackhead and on cecum worms and that it would be efficacious in the treatment of very severe cases of acute and chronic types of coccidiosis, were false and misleading since it would not be efficacious for such purposes.

On May 13, 1941, the defendant having entered a plea of not guilty, the case came on for trial before a jury. The trial was concluded on May 20 and the case was submitted to the jury, which after deliberating announced that it was unable to reach a verdict. The jury was thereupon discharged. The defendant, on December 23, 1941, withdrew his plea of not guilty and entered a plea of *nolo contendere*, which plea was accepted by the court and a fine of \$100 was imposed.

**843. Misbranding of Coccidiosis Mash. U. S. v. J. Kendley Martin (Standard Milling Co.). Plea of *nolo contendere*. Fine, \$100. (F. D. C. No. 6445. Sample No. 37913-E.)**

On May 20, 1942, the United States attorney for the Northern District of Georgia filed an information against J. Kendley Martin, trading as Standard Milling Co., at Atlanta, Ga. alleging shipment on or about April 15, 1941, from the State of Georgia into the State of North Carolina of a quantity of Coccidiosis Mash which was misbranded.

Analysis of a sample of the article showed that it consisted principally of wheat bran, wheat starch, finely ground yellow corn, a milk sugar by-product, yeast, and corn gluten meal, with smaller amounts of alfalfa leaf meal, meat scraps, soya bean meal, and salt, very little, if any, linseed tissues, and dried buttermilk, and a trace of oat product and peanut hulls.

The article was alleged to be misbranded in that the statements in the labelling which represented and suggested that it would be efficacious in the cure, mitigation, treatment or prevention of coccidiosis, were false and misleading since it would not be efficacious for such purpose.

On September 21, 1942, the defendant entered a plea of *nolo contendere* and on October 2, 1942, the court imposed a fine of \$100.

**844. Misbranding of Bovosan. U. S. v. Robert Gisler. Plea of not guilty. Tried to the court. Judgment of guilty on charge of failure to declare active ingredients and not guilty on charges based upon therapeutic claims. (F. D. C. No. 6487. Sample No. 60023-E.)**

On April 2, 1942, the United States attorney for the Northern District of California filed an information against Robert Gisler of San Francisco, Calif., alleging shipment on or about December 16, 1940, from the State of California into the State of Oregon of a quantity of Bovosan which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small proportions of sulfur, phenolic compounds, and soap, incorporated in a base of petrolatum.

It was alleged that the article was misbranded in that statements appearing in the labeling which represented and suggested that it would be efficacious in the treatment of vaginitis and related diseases and that it would be efficacious to prevent infection of a healthy cow by a diseased bull or of a healthy bull by a diseased cow, were false and misleading, since the article would not be efficacious for such purposes. It was alleged to be misbranded further in that it was not designated solely by a name recognized in an official compendium, and was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient.

On May 26, 1942, the defendant having entered a plea of not guilty, the case came on for trial before the court without a jury. The trial having been concluded on May 29, 1942, the court entered judgment that the defendant was guilty on the charge of failure to declare the active ingredients, but was not guilty on the remaining charges. The court reserved sentence and on October 19, 1942, imposed a fine of \$10.

**845. Misbranding of cleaning powder, Bovostick, Powder No. 1, and Powder No. 2. U. S. v. 26 cans of Cleaning Powder, et al. Default decree of condemnation and destruction. (F. D. C. No. 5615. Sample Nos. 23002-E to 23005-E, incl.)**

On September 19, 1942, the United States attorney for the Northern District of California filed a libel against 26 cans containing a product known as "Clean-

ing Powder" and as "Bovosan Powder," 110 articles known as "Bovostick," 1 large can of a product known as "Powder No. 1," and as "Pregnancy Powder," and 2 paper bags containing a powder known as "Powder No. 2," and as "Rinsing Powder," alleging that the articles had been shipped in foreign and interstate commerce from Zug, Switzerland.

The articles, with the exception of Bovostick, were alleged to be misbranded in that they were drugs in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; (2) in that they failed to bear labels containing an accurate statement of the quantity of the contents; and (3) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each active ingredient. The products, including the Bovostick, were alleged to be misbranded in that their labels failed to bear adequate directions for use.

On October 24, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**846. Misbranding of Near's Garjex Powder. U. S. v. 22 Packages of Near's Garjex Powder. Default decree of condemnation and destruction. (F. D. C. No. 7400. Sample No. 86226-E.)**

On May 2, 1942, the United States attorney for the Northern District of Illinois filed a libel against 22 packages of Near's Garjex Powder at Elgin, Ill., alleging that the article had been shipped in interstate commerce on or about February 18, 1942, by Near's Food Co., Inc., and the Troy Chemical Co., Inc., from Binghanton, N. Y.

Analysis showed that the article consisted essentially of hexamethylenetetramine, manganese, cobalt, copper, iron, sodium, potassium and magnesium salts including iodides, sulfates, and chlorides, together with sulfur and plant material.

The article was alleged to be misbranded in that the representation that the article was a preventive and appropriate treatment for mastitis was false and misleading, since the article was not a preventive or appropriate treatment for mastitis.

On August 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**847. Misbranding of Apcoton and Apco Worm-Tabs. U. S. v. 21 Packages of Apcoton and 33 Bottles of Apco Worm-Tabs. Default decree of condemnation and destruction. (F. D. C. No. 7961. Sample Nos. 11385-E, 11387-E.)**

In addition to false and misleading curative and therapeutic claims in the labeling of both of these products the "Apcoton" contained a smaller amount of nicotine alkaloid than declared, and the Apco Worm-Tabs contained smaller amounts of nicotine and copper sulfate than declared.

On July 29, 1942, the United States attorney for the Southern District of Texas filed a libel against 21 packages of Apcoton and 33 bottles of Apco Worm-Tabs at Houston, Texas, alleging that the articles had been shipped in interstate commerce on or about June 13, 1942, by the American Products Co., Inc., from Shawnee, Kans.

Analysis of a sample of the Apcoton showed that it contained iron sulfate, copper sulfate, nicotine 0.5 per cent, talc, and plant material, including capsicum. It was alleged to be misbranded in that the statements on the labeling: "Flock Treatment \* \* \* As tonic—stomachic \* \* \* As a Flock treatment \* \* \* Contains \* \* \* (Nicotine Alkaloid, 6%)," were false and misleading since they represented that the article was a flock treatment for diseased conditions of poultry and was an effective tonic and stomachic for poultry, whereas it was not so effective and it failed to contain the quantity of nicotine alkaloid declared.

Analysis of a sample of the Apco Worm-Tabs shows that it consisted of iron oxide coated tablets, containing essentially kamala, nicotine 0.163 grain, copper sulfate 1.89 grains, with small amounts of naphthalene and nuxvomica. It was alleged to be misbranded in that the statements: "For combatting infestation of large round worms (Ascaris) and large tape worms (Infundibuliformis) in poultry. Contains \* \* \* Nicotine 1.4 gr., copper sulphate 2½ gr." were false and misleading, since the article did not contain sufficient amounts of any ingredient to be an effective treatment for any species of worms which infest poultry and did not contain the quantity of nicotine and copper sulfate declared.

On September 17, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.